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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshiaki HAMANO et al.

Group Art Unit: 1745

Application No.: 10/713,114

Examiner: C. LEE

Filed: November 17, 2003

Docket No.: 117785

For: POSITIVE ELECTRODE MATERIAL FOR LITHIUM SECONDARY BATTERY,  
METHOD FOR PRODUCING THE SAME, AND LITHIUM SECONDARY  
BATTERY

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

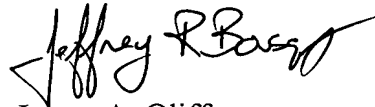
In reply to the August 11, 2006 Restriction and Election of Species Requirement, Applicants provisionally elect Group I, claims 1-9, directed to a positive electrode material, and Species I-a, directed to an electrode material with a composition as recited in claim 1, with traverse. Claims 1-5 and 14 read on the elected species.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Jeffrey R. Bousquet  
Registration No. 57,771

JAO:JRB/tje

Date: September 7, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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